

1. From at least in or about November 2019, up to and including at least in or about March 2021, in the Southern District of New York and elsewhere, MIRCEA-DAN SOVU, the defendant, knowingly and with intent to defraud, as part of an offense affecting interstate and foreign commerce, attempted to and did traffic in and use one and more unauthorized access devices during a one-year period, and by such conduct obtained things of value aggregating \$1,000 and more during that period, in violation of Title 18, United States Code, Section 1029(a)(2), and attempted to and did produce, traffic in, have custody and control of, and possess device-making equipment, in violation of Title 18, United States Code, Section 1029(a)(4), to wit, SOVU transferred fraudulently obtained debit and credit card information for victim accountholders (including, but not limited to, the victim

acountholders' names and debit and credit card numbers), and sold device-making equipment designed to obtain such information, for the purpose of making unauthorized withdrawals from, and purchases with, the victim acountholders' accounts.

(Title 18, United States Code, Sections 1029(a)(2),
(a)(4), (b)(1), and 2.)

COUNT TWO
(Conspiracy to Commit Access Device Fraud)

The Grand Jury further charges:

2. From at least in or about November 2019, up to and including at least in or about March 2021, in the Southern District of New York and elsewhere, MIRCEA-DAN SOVU, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit access device fraud, in violation of Title 18, United States Code, Sections 1029(a)(2) and (a)(4).

3. It was a part and an object of the conspiracy that MIRCEA-DAN SOVU, the defendant, and others known and unknown, knowingly and with intent to defraud, as a part of an offense affecting interstate and foreign commerce, would and did traffic in and use one and more access devices during a one-year period, and by such conduct obtained things of value aggregating \$1,000 and more during that period, in violation of Title 18, United States Code, Section 1029(a)(2).

4. It was further a part and an object of the conspiracy that MIRCEA-DAN SOVU, the defendant, and others known and unknown, knowingly and with intent to defraud, as a part of an offense affecting interstate and foreign commerce, would and did produce, traffic in, have custody and control of, and possess device-making equipment, in violation of Title 18, United States Code, Section 1029(a)(4).

Overt Acts

5. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about November 14, 2019, MIRCEA-DAN SOVU, the defendant received payment from an individual in exchange for a skimming device constructed with device-making equipment sold by SOVU for the purposes of using that skimming device to fraudulently obtain victim accountholders' names and credit and debit card account numbers, for the purposes of making unauthorized automated teller machine ("ATM") withdrawals.

b. On or about November 17, 2020, MIRCEA-DAN SOVU, the defendant, sent device-making equipment to an individual located in Manhattan, New York for the purposes of using that device-making equipment to fraudulently obtain victim accountholders' names and credit and debit card account numbers, for the purpose of making unauthorized ATM withdrawals.

c. On or about November 28, 2020, MIRCEA-DAN SOVU, the defendant, sent an electronic communication containing victim accountholders' names and credit and debit card account numbers that were fraudulently obtained by skimming devices to an individual located in Manhattan, New York for the purposes of making unauthorized ATM withdrawals.

(Title 18, United States Code, Sections 1029(a)(2),
(a)(4) and (b)(2).)

COUNT THREE
(Mail Fraud Affecting a Financial Institution)

The Grand Jury further charges:

6. From at least in or about November 2019, up to and including at least in or about March 2021, in the Southern District of New York and elsewhere, MIRCEA-DAN SOVU, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting so to do, did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did take and receive therefrom, such matters and things, and did cause to be delivered by mail and such carriers, according to the

directions thereon, and at the places at which they were directed to be delivered by the person to whom they were addressed, such matters and things, which affected a financial institution, to wit, SOVU, mailed device-making equipment designed to fraudulently obtain victim accountholders' information by private and commercial interstate carriers to an address located in the Southern District of New York.

(Title 18, United States Code, Sections 1341 and 2.)

COUNT FOUR
(Wire Fraud Affecting a Financial Institution)

The Grand Jury further charges:

7. From at least in or about November 2019, up to and including at least in or about March 2021, in the Southern District of New York and elsewhere, MIRCEA-DAN SOVU, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, and attempting to do so, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, which affected a financial institution, to wit, SOVU, communicated by telephone and electronic mail regarding victim accountholders' information and

device-making equipment needed to access victim accountholders' information, and in connection therewith and in furtherance thereof, SOVU transmitted and caused to be transmitted interstate wire communications.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT FIVE
(Bank Fraud)

The Grand Jury further charges:

8. From at least in or about November 2019, up to and including at least in or about March 2021, in the Southern District of New York and elsewhere, MIRCEA-DAN SOVU, the defendant, willfully and knowingly, did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, SOVU, among other things, sent an electronic communication containing accountholders' names and credit and debit card account numbers that were fraudulently obtained by skimming devices for the purpose of making unauthorized ATM withdrawals.

(Title 18, United States Code, Sections 1344 and 2.)

COUNT SIX
**(Conspiracy to Commit Mail, Wire, and Bank Fraud Affecting a
Financial Institution)**

The Grand Jury further charges:

9. From at least in or about November 2019, up to and including at least in or about March 2021, in the Southern District of New York and elsewhere, MIRCEA-DAN SOVU, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit mail, wire, and bank fraud in violation of Title 18, United States Code, Sections 1341, 1343, and 1344.

10. It was a part and an object of the conspiracy that MIRCEA-DAN SOVU, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, would and did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and would and did take and receive therefrom, such matters and things, and would and did cause to be delivered by mail and such carriers according to the directions thereon, and at the places at which

they were directed to be delivered by the person to whom they were addressed, such matters and things, which affected a financial institution, in violation of Title 18, United States Code, Section 1341.

11. It was further a part and an object of the conspiracy that MIRCEA-DAN SOVU, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, which affected a financial institution, in violation of Title 18, United States Code, Section 1343.

12. It was further a part and an object of the conspiracy that MIRCEA-DAN SOVU, the defendant, willfully and knowingly, did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and

promises, in violation of Title 18, United States Code, Section 1344.

(Title 18, United States Code, Section 1349.)

COUNT SEVEN
(Aggravated Identity Theft)

The Grand Jury further charges:

13. From at least in or about November 2019, up to and including at least in or about March 2021, in the Southern District of New York and elsewhere, MIRCEA-DAN SOVU, the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), and aided and abetted the same, to wit, SOVU, sold device-making equipment designed to fraudulently obtain victim accountholders' names and credit and debit card account numbers for the purpose of making unauthorized withdrawals and purchases, and transferred such information during and in relation to the access device fraud, mail fraud, wire fraud, bank fraud, conspiracy to commit access device fraud, and conspiracy to commit mail, wire, and bank fraud charged in Counts One through Six of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2.)

FORFEITURE ALLEGATIONS

14. As a result of committing the offenses alleged in Counts One and Two of this Indictment, MIRCEA-DAN SOVU, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C), any and all property constituting or derived from, proceeds obtained directly or indirectly, as a result of the commission of said offenses, and any and all personal property used or intended to be used to commit said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

15. As a result of committing the offenses alleged in Counts Three through Six of this Indictment, MIRCEA-DAN SOVU, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting, or derived from, proceeds obtained directly or indirectly, as a result of the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

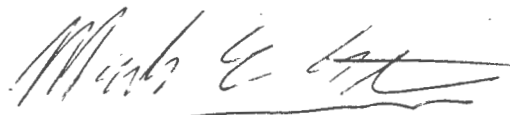
Substitute Assets Provision

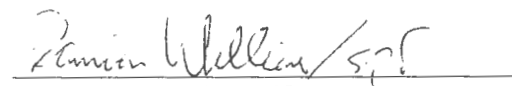
16. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 982, and 1029;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FEREMAN


DAMIAN WILLIAMS
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MIRCEA-DAN SOVU,

Defendant.

SEALED INDICTMENT

22 Cr. ()

(18 U.S.C. §§ 1028A(a)(1), 1028A(b),
1029(a)(2), 1029(a)(4), 1029(b)(1),
1029(b)(2), 1341, 1343, 1344, 1349 and
2.)

DAMIAN WILLIAMS

United States Attorney


Foreperson

08/02/22

(CA)

SEALED INDICTMENT FILED
W/ ARREST WARRANT

KH PARKER
USMJ